IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929

CRP.No. 738 of 2005(C)

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AGAINST THE ORDER DATED 08/02/2005 IN EA.419 & 420/04 IN EP.725/01 IN LAR.365/1998 of I ADDL.SUB COURT,ERNAKULAM

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REVN. PETITIONERS: PETITIONERS/DECREE HOLDERS:

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1. C.R. GOKULAN, AGED 56,
   S/O. LATE RAGHAVAN, CHANNAYIL HOUSE,
   EROOR DESOM, NADAMA VILLAGE,
   KANAYANNUR TALUK.

2. C.R. SALIMKUMAR, AGED 54,
   DO. DO.

BY ADV. SRI.M.RAVIKUMAR

RESPONDENT: JUDGMENT DEBTOR:

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STATE OF KERALA.

BY GOVERNMENT PLEADER SMT. T.B.REMANI

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 19/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**HARUN-UL-RASHID, J.**

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**C.R.P.No.738 of 2005**

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**Dated: October 19, 2007**

**ORDER**

This revision is filed against the order in E.A.No.419/2004 and E.A.No.420/2004 in E.P.No.725/2001 in LAR No.365/1988 on the file of the First Additional Sub Court, Ernakulam. The decree-holders in E.P.No.725/2001 are the petitioners. The petitioners contended before the court below that as per the decision of the Honourable Supreme Court in 2000 (1) KLT 489 the claimants in land acquisition cases are found entitled to get interest on the aggregate amount of compensation inclusive of solatium and additional market value and accordingly they are entitled to realise Rs.11,31,565/- as on 3.1.2003. The court below examined the question raised by the revision petitioners. The claim of the petitioner is that he is entitled to interest for the amount awarded under sec.23(1-A). Though interest is not granted by the decree passed in his favour, the claim was set up on the basis of the Supreme Court decision stated above. As per the decree passed in this case, the petitioners are only entitled to interest at 9% and 15% on the amount awarded as additional land value. The Executing Court further held that the decree-holders are not entitled to re-open the decree before the Execution Court claiming interest on the amount awarded under sec.23(1-A) and that the Executing Court has no power or jurisdiction to pass any award or to add anything to the award or decree and that its duty is only to execute the decree passed in terms of the decree only. In the light of the observations made

by the Executing Court, the two Interlocutory Applications are dismissed finding that they are not maintainable. The additional claim of interest on the basis of the subsequent decision of the Supreme Court will not stand so far as the decree does not provide for the same. The Execution Court has no power or jurisdiction to grant anything more other than what is granted under the decree. Therefore, the order under revision was passed correctly. There is no ground for interference under revision. The decree-holder is entitled to pursue his remedies open to him, if any, before the appropriate forum.

The C.R.P. is disposed of as above.

**HARUN-UL-RASHID**
**JUDGE**

mt/-